
Z-2543
JAMES A. & ANITA WOOD
A to GB

STAFF REPORT
August 15, 2013

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, who are also the property owners, represented by attorney Daniel Teder, are requesting rezoning in order to allow the future expansion of their existing “miscellaneous repair shop” (SIC 76) called Trustworthy Appliance, located on the west side of Old SR 25 N, north of its intersection with Gushwa Drive, more specifically 3128 Old SR 25, Fairfield 2 (SW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

Originally the site in question was part of a larger R1, Single-family residential zone. Over 30 years ago, the Tippecanoe County Shrine Club rezoned the property adjacent to the south from R1 to A and then obtained a special exception to operate its lodge (Z-942, May 1979, BZA-386, July 1979). Petitioners filed and were granted a special exception for a home occupation in the R1 zone under the old zoning ordinance (BZA-1283, April 1995). Petitioners then rezoned their two lots from R1 to A in order to expand their appliance repair “home occupation” into a “rural home occupation” (Z-1789, July 1998); once zoned A, this did not require a special exception. The following year next door, “Top Sixty Club” rezoned the lodge from A to GB in order to expand their business to include non-members (Z-1843, May 1999). In 2007, petitioners filed and were granted a special exception to allow a miscellaneous repair shop in the A zone (BZA-1744, August 2007) and also rezoned a strip of land between their lots and the Shrine Club property from GB to A (Z-2340, September 2007). At this point the business was no longer a rural home occupation, but a stand-alone business. Petitioners removed the house on the lot so that two principal use buildings were not on the same lot in violation of the UZO.

Flood Plain zoning associated with Dry Run Creek is just to the northwest. Properties at the northeast corner of CR 300 N and Old SR 25 have been successfully rezoned to HB and GB over the years (Z-231, Z-697, and Z-1449). Most recently APC and the County Commissioners heard multiple rezone requests for the old Aretz Airport site for GB and I3 zoning (Z-2522, 2523, 2524). Z-2534 – Aretz, LLC, a request for GB zoning was just approved by the County Commissioners in July.

AREA LAND USE PATTERNS:

The rezone site is a portion of Lot 1, J.A. Wood Minor Subdivision; it has a garage, petitioners’ appliance repair business and a partially paved parking lot. Petitioners’ house is now located on Lot 3; a duplex is located on Lot 2.

Except for the aforementioned Shrine Club and petitioners' small appliance repair business, residential uses surround the site in question. A gas station is located ¼ mile to the south at the CR 300 N intersection.

TRAFFIC AND TRANSPORTATION:

Old SR 25 is still classified as a primary arterial by the adopted county *Thoroughfare Plan*. Required parking for a "miscellaneous repair shop" (SIC 76) is one per 200 square feet of gross floor area. Petitioners' building is approximately 3000 square feet in area which would mean 15 parking spaces are currently required. A building addition would, of course, increase that number. In the GB zone, unlike the A zone, all required parking spaces must be paved.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by individual water well and septic system. In a conversation with the County Health Department, staff learned that the soils on site "are good" and there is no history of complaints regarding the current septic system. The department's main concern would be meeting well and septic separation requirements depending on the location and size of a future building expansion.

STAFF COMMENTS:

Petitioners' business has been located on site since their first special exception in 1995. It employs seven people in addition to petitioners and is clearly successful as it has expanded several times over the years; at each stage petitioners have done a commendable job of following the dictates of the UZO. They are currently operating the business at the level of the most recently ABZA-approved special exception. To expand the business by adding building space, longer hours, or more employees would require another special exception. Rezoning to GB would mean the business would be permitted by right and no further special exceptions would be necessary.

According to petitioners' representative, petitioners would like to have the ability to add-on to their building in the future, but claim they are unable to obtain financing from banks for this business use in an Agricultural zone. Staff is unconvinced that a bank would not agree to financing for a legitimate commercial business in an appropriate zoning district.

This request for GB zoning has two pluses: its location and its longevity. The site is next door to a commercial use in a GB zone and this shop has been present on-site without complaint for 17 years. Unfortunately for petitioners, the one negative is that staff cannot recommend approval of a GB rezone without available or even potential on site sewer or water service. Petitioners' business use is not at issue. It can continue to operate on site as is and petitioners' business use could even expand if desired in the A zone with another special exception. However, until there is sanitary sewer available to the site, it would be premature to recommend approval of GB zoning.

STAFF RECOMMENDATION:

Denial